From:	McCaslin_H@cde.state.co.us
To:	Taucher_M@cde.state.co.us
Subject:	RE: CPP Class and Ratio - DPS Strike and DHS Emergency Waiver situation
Date:	Monday, February 11, 2019 12:49:42 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png image6ad0c3.PNG imageb7a046.PNG imagead6298.PNG image256b14.PNG image4c9bea.PNG

These are good points, and I agree they should be shared with the group tomorrow.

I understand your position related to how this may be shared or viewed. That said, we have to be clear that CDE staff have a limited role in taking significant action related to temporary and brief situations in which a program is non-compliant with state law. The thinking is that we would be hard pressed to reduce or eliminate program funding for something that is not ongoing or egregious. The message should not be that we are lenient or unable to hold district's accountable but rather that it's ultimately a program's decision if they choose not to follow state law, since we are not at liberty to waive their requirements. I think our messaging that we cannot waive state law is as strong as it has ever been, and we should rely heavily on that.

This came directly from the AG's office and Melissa relayed the information to myself and others last Friday so it's fresh for us to ponder together.

Talk to you in the morning.
Heidi

Heidi McCaslin
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From: Taucher, Melissa
Sent: Monday, February 11, 2019 12:42 PM
To: McCaslin, Heidi
Subject: RE: CPP Class and Ratio - DPS Strike and DHS Emergency Waiver situation

Thank you for the information Heidi. First, I do understand that this is a unique situation and people are working to meet the needs of thousands of displaced children and families. I do however get concerned about this message. For many years and still to this day, we have to remind districts that they need to keep space available for children who qualify for special education, specifically in the spring. When the message is- there will be no negative action taken for short term violation, will programs translate this to other situations as well? I worry about it becoming a mixed message. I realize we are not advertising this, but information like this does get shared across the field. Also I am not sure we will get much information from DHS that will be helpful. Most programs are licensed for their square footage and not for CPP requirements-,meaning they are licensed for 20 because of their square footage, but keep a group size of 16 for CPP. They won't have to get an emergency waiver from DHS unless they were wanting to go over the 20 (or whatever their current capacity is).

These are just my thoughts that I wanted to share and happy to talk more with the group tomorrow.

Thank you,

Missy

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From: McCaslin, Heidi
Sent: Monday, February 11, 2019 9:53 AM
To: PreSchool_Unit
Subject: CPP Class and Ratio - DPS Strike and DHS Emergency Waiver situation

Good morning,

Some of you are aware that we were working to determine how we might respond to the fact that in support of program's dealing with the repercussions of the DPS strike, DHS put out an emergency child care waiver request option to exceed class size and ratio requirements in the DHS child care licensing rules. Last Friday there was a flurry of communication on this, including Melissa speaking with Katy and also getting an opinion from the AG's office. In addition to our usual stance that CDE staff cannot waive state statute, we learned that in emergent situations like the one DPS is currently

facing, and for a brief and temporary time period, CDE would not be in a position to take negative action for non-compliance should the district, or their partner programs, choose to exceed the maximum group size limit or staff ratios. We will talk more about this at tomorrow's CPP sub-team meeting.

This is not something we plan to proactively communicate, but can share with programs/districts if they inquire directly in response to the DPS situation. Additionally, Floyd reached out to DHS to ask for involvement in waiver review and approval or at least notification of which programs are requesting this so that we would have more knowledge of if/when programs may be exceeding the 16 maximum class size. This is delicate because we don't want to suggest program's violate state law, but violations of this would have to be severe and long lasting for us to be able to take action to remove funding or preschool positions.

Let me know your questions so that we can be united and consistent about how and when we share this information.

Best,
Heidi

Heidi McCaslin
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Preschool through 3rd Grade (P-3) Office

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